

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

RYAN BRESLOW, ALEX FINE, and JON
GORDON,

Plaintiffs,

v.

MARK PHILLIPS and BENJAMIN REED,

Defendants.

Action No.: 23-cv-20727-ALTMAN/Reid

Honorable Roy K. Altman

JOINT STIPULATION OF FACTS RE PRELIMINARY INJUNCTION HEARING

In advance of the Preliminary Injunction hearing set for April 27, 2023, the parties stipulate as follows:

1. A stablecoin is a type of cryptocurrency designed to be pegged to the United States Dollar, though there can be variance in their price relative to the United States Dollar. DAI is one such stablecoin.

2. Ethereum (ETH) is a cryptocurrency.

3. “DAO” means a decentralized autonomous organization.

4. Etherscan.io is an online application that enables a user to access details on Ethereum blockchain, including transaction data, cryptocurrency wallet addresses, and smart contracts. In some instances, Etherscan.io shows Ethereum Name Service (“ENS”) aliases that are registered to a particular cryptocurrency address.

5. Snapshot.org is an online platform that allows a user to create and vote on proposals. A user seeking to cast a vote on a Snapshot proposal must register an Ethereum address with Snapshot to vote. When that user casts a vote, their then-current ENS alias may appear as the vote-caster. If an ENS alias is not associated with the cryptocurrency address, then the user’s registered cryptocurrency address may appear as the vote-caster. Votes are computed using strategies defined by the Snapshot space administrator(s).

6. Discord is a social media platform where users can communicate with voice calls, video calls, text messaging, in chat rooms, or in private chats.

7. Mr. Phillips performed his initial work as an independent contractor pursuant to a Consulting Agreement between himself and Merkaba, Inc.

8. Mark Phillips resigned from his work with the SEC pursuant to the independent contractor agreement he signed on December 8, 2021.

9. Mr. Breslow and Mr. Phillips entered into a Confidential Independent Contractor Agreement (“IC Agreement”) on December 8, 2021, and which terminated on January 1, 2022.

10. A Gnosis SAFE account is a cryptocurrency wallet that requires a minimum number of signatories to authorize a transfer from that wallet or alter any features of that wallet. For example, a Gnosis SAFE account with seven signatories may be programmed to require three signatories to approve a transfer from that wallet or to remove a signatory from that wallet.

11. At the time of its creation, the DAO endowment had seven signatories. The cryptocurrency wallets of those seven signatories, as well as their identities, are:

dao-lawfirm.eth	0x752515a3A1091b9f1c04416CF79D1F14d2340085
adriadou.eth	0xDe6ab16a4015c680daab58021815D09ddB57db8E
Ryan Breslow	0xDbE76F6ae97dFD5bdd1D7DAD8972740d18aB2b57
tankbottoms.eth (Mark Phillips)	0x468f178672C86bFA02e5E1B0413C3ccf55A37409
Alex Fine	0x550bD0F03580B9a687931af4d837F8e45D61d410
Jon Gordon	0x746cf650d4E5431474E8D4E2d5B6Bbe53772b498
fredymontero.eth	0x67A5A5136ba1725359bdfd204Cbbb1c809Cc5490

12. As of the date of this joint stipulation, no MOVE tokens have been created or dispersed to anyone who contributed to the DAO endowment.

13. The cryptocurrency address registered to ENS service-provider.eth is 0x752515a3A1091b9f1c04416CF79D1F14d2340085.

14. The cryptocurrency address registered to the ENS developer.movedao.eth is 0x2187e6a7c765777d50213346F0Fe519fCA706fbD (“DAO Developer”).

15. The cryptocurrency address registered to the ENS benreed.eth is 0xA4e6C2B6264652444B3F0cc1bB37496AE916931c. That account is controlled by Ben Reed.

16. Mark Phillips controls the cryptocurrency wallet associated with the following address: 0x5d95baEBB8412AD827287240A5c281E3bB30d27E.

17. On August 2, 2022, the IRS issued an Employment Identification Number (“EIN”) to DAOLABS LLC.

18. On August 8, 2022, the IRS issued an EIN to “MOVEMENTDAO.”

19. Service-provider.eth cast over 10,000,000 votes on each of the following proposals posted on <https://snapshot.org/#/snapshot.movedao.eth>: MIP-0000, MIP-0001, MIP-0002, MIP-0003, MIP-0004, MIP-0005, MIP-0006, MIP-0007, MIP-0008.

20. Mr. Gordon voted for MIP-0000, MIP-0001, MIP-0002, MIP-0004, MIP-0005, MIP-0006, MIP-0007, and MIP-0008 on Snapshot.org.

21. Mr. Gordon did not vote for MIP-0003 on Snapshot.org (or otherwise).

22. An online alias of Ben Reed is rice\$cracker.

23. The email address m@dao-lawfirm.xyz belongs to Mark Phillips.

24. Each of the following exhibit numbers are an accurate tabulation of the votes cast on the corresponding Snapshot vote proposal described below. The number listed under the column “voting power” for each of these exhibits constitutes the number of votes that each address voted in favor of the proposal.

Exhibit 155/447	Voting record for MIP-0000 dated August 29, 2022.
Exhibit 310	Voting record for MIP-0001 dated August 29, 2022.
Exhibit 313	Voting record for MIP-0002 dated August 29, 2022.
Exhibit 315	Voting record for MIP-0003 dated August 29, 2022.
Exhibit 318	Voting record for MIP-0004 dated August 29, 2022.
Exhibit 322	Voting record for MIP-0005 dated August 29, 2022.
Exhibit 325	Voting record for MIP-0006 dated August 29, 2022.

Exhibit 327	Voting record for MIP-0007 dated August 29, 2022.
Exhibit 333	Voting record for MIP-0008 dated September 19, 2022.
Exhibit 335	Voting record for MIP-0009 dated January 9, 2023.
Exhibit 337	Voting record for MIP-0010 dated January 9, 2023.
Exhibit 339	Voting record for MIP-0011 dated January 9, 2023.
Exhibit 341	Voting record for MIP-0012 dated January 9, 2023.
Exhibit 344	Voting record for MIP-0014 dated January 9, 2023.
Exhibit 348	Voting record for MIP-0016 dated February 9, 2023.
Exhibit 350	Voting record for MIP-0017 dated February 9, 2023.
Exhibit 352	Voting record for MIP-0018 dated February 9, 2023.
Exhibit 354	Voting record for MIP-0019 dated February 9, 2023.
Exhibit 356	Voting record for MIP-0020 dated February 9, 2023.
Exhibit 358	Voting record for MIP-0021 dated February 9, 2023.
Exhibit 360	Voting record for MIP-0022 dated March 13, 2023.
Exhibit 362	Voting record for MIP-0023 dated March 21, 2023.

25. Transfers were made from the DAO Developer account to the below-listed cryptocurrency addresses:

No.	DATE	CRYPTOCURRENCY ADDRESS RECIPIENT	VALUE	CURR	ADDRESS OWNER
1	2/2/2023	0x91898f9103cdba1546de834f6e26f019e09a0d4b	100,000	DAI	
2	2/2/2023	0x57a16a385e86cd215def121e6887d23be8080d37	20,000	DAI	cookieslayer.eth
3	2/2/2023	0x91898f9103cdba1546de834f6e26f019e09a0d4b	100,000	DAI	
4	2/2/2023	0x57a16a385e86cd215def121e6887d23be8080d37	15,000	DAI	cookieslayer.eth
5	2/2/2023	0xa4e6c2b6264652444b3f0cc1bb37496ae916931c	592,000	DAI	benreed.eth
6	2/2/2023	0xa4e6c2b6264652444b3f0cc1bb37496ae916931c	250,000	DAI	benreed.eth
7	2/2/2023	0x607d56643673649bd25aa47325a7a6afeffc3b4a	500,000	DAI	
8	2/2/2023	0x55ded454d3aeba95c901dae36568d99fc904d510	39.53	ETH	
9	2/2/2023	0x5d95baebb8412ad827287240a5c281e3bb30d27e	1,058,000	DAI	tankbottoms.eth
10	2/2/2023	0xa4e6c2b6264652444b3f0cc1bb37496ae916931c	322,034.67	DAI	benreed.eth
11	2/2/2023	0x4823e65c10daa3ef320e5e262cfa8d0a059e02a6	50,000	DAI	sveltedev.eth
12	2/5/2023	0x752515a3a1091b9f1c04416cf79d1f14d2340085	10	ETH	*service-provider.eth
13	2/6/2023	0x5044ff7f0ef531f3ace48fc1aff4dda429acde38	18.49	ETH	
14	2/6/2023	0xe41188926607921763d25392475f1156ac5f9033	13.39	ETH	jimmyethworld.eth
15	2/10/2023	0x752515a3a1091b9f1c04416cf79d1f14d2340085	3,877.50	DAI	*service-provider.eth
16	2/10/2023	0x823b92d6a4b2aed4b15675c7917c9f922ea8adad	10,000	DAI	jango.eth
17	2/10/2023	0x30670d81e487c80b9edc54370e6eaf943b6eab39	12,000	DAI	filipv.eth
18	2/13/2023	0xa4e6c2b6264652444b3f0cc1bb37496ae916931c	250,000	DAI	benreed.eth

26. All exhibits from Etherscan and Etherscan's Ethereum Name Service lookup are accurate records maintained by the online tool Etherscan.io.

Respectfully Submitted,

Dated: April 20, 2023

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